



Patent
24647-81051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Chris C. Miller) Group Art Unit: 1616
Serial No.: 09/762,152) Examiner: Haghigian, Mina
Filed: February 1, 2001) Confirmation No.: 1414
For: METHOD AND APPARATUS FOR)
TREATMENT OF RESPIRATORY)
INFECTIONS BY NITRIC OXIDE)
INHALATION)

AMENDMENT AND RESPONSE

Mail Stop Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 16, 2004, Applicant submits this Amendment and Response, and the accompanying "Declaration of Dr. Neil MacIntyre, M.D., Pursuant to 37 C.F.R. § 1.132." These submissions are made in connection with the accompanying Request for Continuing Examination.

Applicant requests an extension of time of three months, or such other time as is necessary, to respond to the April 16, 2004 Office Action. The Commissioner is authorized to charge the deposit account of the undersigned attorney for applicant, namely:

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Melody K. Gutierrez
Name of Person Mailing Paper

Signature of Person Mailing Paper

October 15, 2004
Date of Deposit
LA1 619991v1

Deposit Account No. 50-1597 (Sidley Austin Brown & Wood)

for any fees required by this filing, including the fee for any extension of time, the fee for submission of additional claims, and/or any petition fee. If any other fee or petition is due for the present submission, please consider this a submission of fees and petition for such, and an authorization for the Commissioner to charge the fees for such to Sidley Austin Brown and Wood's Deposit Account No. 50-1597.

AMENDMENT

Pursuant to 37 C.F.R. § 1.121(c), a "claim listing" follows just below, setting forth all of the claims as now presented for examination. Reconsideration of the rejection of the previously presented claims, and favorable consideration of the new claims, are respectfully requested.